

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT  
STATE OF HAWAII

KG HOLDINGS, LLC, a Hawaii limited liability company and  
KG MAUI DEVELOPMENT, LLC, a Hawaii limited liability company,

Plaintiffs,

vs.

SPORTS SHINKO (HAWAII) CO., LTD., a Hawaii corporation, and  
SPORTS SHINKO (PUKALANI) CO., LTD., a Hawaii corporation,

Defendants.

Civil No. 06-1-0223(3)

(OTHER CIVIL ACTION)

DECLARATION OF  
TOSHIO KINOSHITA

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TOSHIO KINOSHITA hereby declares that:

1. I am a citizen of Japan and reside in ~~Osaka~~, Japan.  
*Kana Sawa*
2. Except as otherwise indicated, this declaration is made upon my

personal knowledge and belief.

3A. For the calendar year ended December 31, 2001, and through February 2002, I was the President and a director of the following companies (among others):

- Sports Shinko Co., Ltd., a Japan corporation ("SS-J")
- Sports Shinko (USA) Co., Ltd., a Delaware corporation ("SS-USA")
- Sports Shinko (Hawaii) Co., Ltd., a Hawaii corporation ("SS-Hawaii")

- Sports Shinko (Pukalani) Col, Ltd., a Hawaii corporation (“SS-Pukalani”)
  - Sports Shinko (Waikiki) Corporation, a Hawaii corporation (“SS-Waikiki”)
  - Sports Shinko (Kauai) Co., Ltd., a Hawaii corporation (“SS-Kauai”)
  - Sports Shinko (Mililani) Co., Ltd., a Hawaii corporation (“SS-Mililani”)
  - Sports Shinko Resort Hotel Corporation, a Hawaii corporation (“SS-RHC”)
  - Pukalani STP Co., Ltd., a Hawaii corporation
  - Sure Transportation, Inc., a Hawaii corporation
- 3B. For the calendar year ending December 31, 2001 until February 2002

and perhaps thereafter, the stock of the foregoing companies was owned as

follows:

- I personally owned the majority (over 58 1/3 %) of the stock of SS-J. The remaining stock was effectively controlled by me and owned as follows:
  - 33 1/3 % of the stock of SS-J was owned by Kinoshita Construction Co., Ltd. In turn, the stock of Kinoshita Construction Co., Ltd. was owned by my three sons, Satoshi, Toshiya and Takeshi.
  - The remaining 8 1/3% of the stock of SS-J was owned by Misaki Country Club, a wholly owned subsidiary of SS-J.
- SS-J owned 89% of the stock of SS-USA. A number of Japan corporations that were wholly owned subsidiaries of SS-J owned the remaining 11% of the SS-USA stock.
- SS-USA owned 100% of the stock of SS-Hawaii

I, TOSHIO KINOSHITA, declare under penalty of law that the foregoing statements are true and correct.

*Kanagawa*  
3.k DATED: Osaka, Japan, Kamakura-shi kōjinwara 92-8, 2006. 8. 8

*Toshio Kinoshita*  
TOSHIO KINOSHITA